

VETERINARY PRACTICE ACT

58-28-101. Short title.

This chapter is known as the "Veterinary Practice Act."

58-28-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Abandonment" means to forsake entirely or refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.
- (2) "Administer" means:
 - (a) the direct application by a person of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or
 - (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.
- (3) "Animal" means any animal other than a human.
- (4) "AVMA" means American Veterinary Medical Association.
- (5) "Board" means the Veterinary Board established in Section 58-28-201.
- (6) "Client" means the patient's owner, the owner's agent, or other person responsible for the patient.
- (7) "Direct supervision" means a veterinarian licensed under this chapter is present and available for face-to-face contact with the patient and person being supervised, at the time the patient is receiving veterinary care.
- (8) "Extra-label use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with approved labeling.
- (9) "Immediate supervision" means the veterinarian licensed under this chapter is present with the individual being supervised, while the individual is performing the delegated tasks.
- (10) "Indirect supervision" means a veterinarian licensed under this chapter:
 - (a) has given either written or verbal instructions for veterinary care of a patient to the person being supervised; and
 - (b) is available to the person being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given to the patient.
- (11) "Practice of veterinary medicine, surgery, and dentistry" means to:
 - (a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;
 - (b) administer or prescribe any drug, medicine, treatment, method, or practice, or perform any operation or manipulation, or apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;
 - (c) represent by verbal or written claim, sign, word, title, letterhead, card, or in any other manner that one is a licensed veterinarian, or one qualified to practice veterinary medicine, surgery, or dentistry; or hold oneself out as able to practice veterinary medicine, surgery, or dentistry;
 - (d) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or
 - (e) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such person is qualified to practice veterinary medicine, surgery, or dentistry.
- (12) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.
- (13) "Unlicensed assistive personnel":
 - (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a veterinarian licensed under this chapter as permitted by administrative rule and in accordance with the standards of the profession; and

- (b) includes:
 - (i) a veterinary assistant, if working under immediate supervision;
 - (ii) a veterinary technician who:
 - (A) has graduated from a program of veterinary technology accredited by the AVMA that is at least a two-year program; and
 - (B) who is working under direct supervision; and
 - (iii) a veterinary technologist who:
 - (A) has graduated from a four-year program of veterinary technology accredited by the AVMA; and
 - (B) is working under indirect supervision.
- (14) "Unprofessional conduct" is defined in Sections 58-1-501 and 58-28-502 and may be further defined by rule.
- (15) "Veterinarian-client-patient relationship" means:
 - (a) a veterinarian licensed under this chapter has assumed responsibility for making clinical judgements regarding the health of an animal and the need for medical treatment of an animal, and the client has agreed to follow the veterinarian's instructions;
 - (b) the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, including knowledge of the keeping and care of the animal as a result of recent personal examination of the animal or by medically appropriate visits to the premises where the animal is housed; and
 - (c) the veterinarian has arranged for emergency coverage for follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

58-28-201. Veterinary Board created - Duties.

- (1) There is created a Veterinary Board consisting of four veterinarians who have practiced in the state for not less than five years and one member of the general public.
- (2) The board shall be appointed and serve in accordance with the provisions of Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
- (4)
 - (a) The board shall designate one of its members to assist and advise the division with reviewing complaints concerning unlawful or unprofessional conduct under this chapter.
 - (b) A board member shall be recused from any adjudicative proceeding held by the board concerning a complaint for which the board member advised the division under Subsection (4)(a).

58-28-301. Licensure required.

- (1)
 - (a) A license is required to engage in the practice of veterinary medicine, except as specifically provided in Section 58-1-307 and 58-28-307.
 - (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be licensed under this chapter as a veterinary intern in order to engage in a program of indirectly supervised clinical training with a veterinarian licensed under this chapter, and as necessary to meet licensing requirements under Subsection 58-28-302(1)(d).
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
 - (a) veterinarian; or
 - (b) veterinarian intern.

58-28-302. License qualifications.

- (1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:
 - (a) be of good moral character as it relates to the functions and duties of a licensed veterinarian;
 - (b) pass an examination approved by the board on the theory and practice of the science of veterinary medicine, surgery, dentistry, and other subjects determined by the board, knowledge of which is generally required of veterinarians;
 - (c)
 - (i) graduate from a veterinary college accredited by the AVMA; or
 - (ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary Graduates issued by the AVMA;
 - (d)
 - (i) have practiced under the supervision of a veterinarian licensed to practice in this state for

- a period of at least six months;
 - (ii) have participated in veterinary investigational, educational, or sanitary control work of a nature and duration as to be the equivalent of the experience of Subsection (1)(d)(i);
 - (iii) have practiced as a licensed veterinarian outside Utah for a period of at least six months; or
 - (iv) have practiced as a licensed veterinarian while employed by the United States government, its agencies, or the state or its political subdivisions, for a period of at least six months; and
 - (e) pay a fee to the Department of Commerce determined by it pursuant to Section 63-38-3.2 for the examination, for an initial license, and for a renewal license.
- (2)
 - (a) An applicant for licensure as a veterinary intern shall comply with the provisions of Subsections (1)(a) and (c).
 - (b) An applicant's license as a veterinary intern is limited to the period of time necessary to complete clinical training as described in Subsection (1)(d) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a veterinarian, but the period of time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised clinical training has been completed.

58-28-303. License - Display - Revocation for nondisplay.

A licensed veterinarian shall display the veterinarian's license in a conspicuous place in the veterinarian's principal place of business. The division may revoke any license which is not displayed in accordance with this section.

58-28-304. Temporary license - License reciprocity.

- (1) The division may issue a temporary license to practice veterinary medicine, surgery, and dentistry to any person not qualified for licensure under Subsection (4) who meets all requirements of Section 58-28-302 with the exception of Subsections 58-28-302(1)(b) and (d), except that the temporary license shall by its terms expire at the date examination results are available for the examination next following the date of the issuance of the temporary license.
- (2) The temporary license shall permit the holder to practice under the indirect supervision of a veterinarian licensed to practice in this state.
- (3) The division may extend the expiration date of the temporary license until the following examination date if:
 - (a) the applicant shows to the board good cause for failing to take or pass the examination; and
 - (b) the majority of the board members recommend the extension.
- (4) Upon the recommendation of the board, the division may issue a license without examination to a person who:
 - (a) has been licensed or registered to practice veterinary medicine, surgery, and dentistry in any state, district or territory of the United States or in any foreign country, whose educational, examination, and experience requirements are or were at the time the license was issued equal to those of this state;
 - (b) has engaged in the practice of veterinary medicine, dentistry, and surgery while licensed in another jurisdiction for at least two years;
 - (c) obtained the license in another jurisdiction after passing an examination component acceptable to the division and the board;
 - (d) produces satisfactory evidence of having practiced veterinary medicine competently and in accordance with the standards and ethics of the profession while practicing in another jurisdiction; and
 - (e) produces satisfactory evidence of identity and good moral character as it relates to the applicant's functions and practice as a licensed veterinarian.

58-28-305. Term of license - Expiration - Renewal.

- (1) A license as a veterinarian issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) A license as a veterinarian intern issued under this chapter shall be issued for a term established by the division by rule and consistent with the requirements of Subsection 58-28-302(2)(b).
- (3) Each license under this chapter automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-28-306. Continuing education.

The division may, by rule, in accordance with Section 58-1-203, establish a continuing education requirement as a condition to renewal of a license under this chapter.

58-28-307. Exemptions from chapter.

In addition to the exemptions from licensure in Section 58-1-307, this chapter does not apply to:

- (1) any person who practices veterinary medicine, surgery, or dentistry upon any animal owned by him, and the employee of that person when the practice is upon an animal owned by his employer, and incidental to his employment, except that:
 - (a) this exemption does not apply to any person, or his employee, when the ownership of an animal was acquired for the purpose of circumventing this chapter; and
 - (b) this exemption does not apply to the administration, dispensing, or prescribing of a prescription drug, or nonprescription drug intended for off label use, unless the administration, dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient relationship;
- (2) any person who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of his academic training and under the direct supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;
- (3) a veterinarian who is an officer or employee of the government of the United States, or the state, or its political subdivisions, and technicians under his supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that government;
- (4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid testing of poultry, and related poultry disease control activity;
- (5) any person who is engaged in bona fide and legitimate medical, dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly related to and a necessary part of, that research;
- (6) veterinarians licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;
- (7) registered pharmacists of this state engaged in the sale of veterinary supplies, instruments, and medicines, if the sale is at his regular place of business;
- (8) any person in this state engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs which must be sold in compliance with the state and federal regulations, if the supplies, instruments, and medicines are sold in original packages bearing adequate identification and directions for application and administration and the sale is made in the regular course of, and at the regular place of business;
- (9) any person rendering emergency first aid to animals in those areas where a licensed veterinarian is not available, and if suspicious reportable diseases are reported immediately to the state veterinarian;
- (10) any person performing or teaching nonsurgical bovine artificial insemination;
- (11) any person affiliated with an institution of higher education who teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an institution of higher education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah;
- (12)
 - (a) upon written referral by a licensed veterinarian, the practice of animal chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who has completed an animal chiropractic course approved by the American Veterinary Chiropractic Association or the division;
 - (b) upon written referral by a licensed veterinarian, the practice of animal physical therapy by a

- physical therapist licensed under Chapter 24a, Physical Therapist Practice Act, who has completed at least 100 hours of animal physical therapy training, including quadruped anatomy and hands-on training, approved by the division;
- (c) upon written referral by a licensed veterinarian, the practice of animal massage therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act, who has completed at least 60 hours of animal massage therapy training, including quadruped anatomy and hands-on training, approved by the division; and
- (d) upon written referral by a licensed veterinarian, the practice of acupuncture by an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a course of study on animal acupuncture approved by the division;
- (13) unlicensed assistive personnel performing duties appropriately delegated to the unlicensed assistive personnel in accordance with Section 58-28-502;
- (14) an animal shelter employee who is:
 - (a) acting under the indirect supervision of a licensed veterinarian; and
 - (b) performing animal euthanasia in the course and scope of employment; and
- (15) an individual providing appropriate training for animals, however, this exception does not include diagnosing any medical condition, or prescribing or dispensing any prescription drugs or therapeutics.

58-28-308. Provisions for current practitioners.

An individual who, as of August 1, 2006, is practicing as a veterinarian intern under supervision of a veterinarian licensed under this chapter shall receive a temporary license to practice in the state as a veterinary intern:

- (1) if, prior to August 1, 2006, the individual submits an application and any required fees to the division to obtain licensure under this chapter as a veterinary intern; and
- (2) while the application for licensure is pending with the division.

58-28-401. Grounds for denial of license - Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

58-28-501. Unlawful conduct.

Unlawful conduct includes, in addition to the definitions in Section 58-1-501:

- (1) fraudulently issuing or using any health certificate, inspection certificate, vaccination certificate, test chart, or any other certificate relating to the existence of animal diseases or the sale of animal products for human consumption;
- (2) willfully misrepresenting any findings in the inspection of foodstuffs of animal origin; and
- (3) fraudulently misapplying or reporting any intradermal, cutaneous, subcutaneous, serological, or chemical test.

58-28-502. Unprofessional conduct.

- (1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:
 - (a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;
 - (b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;
 - (c) rendering professional service in association with a person who is not licensed and does not hold a temporary permit;
 - (d) sharing fees with any person, except a licensed veterinarian, for services actually performed;
 - (e) selling any biologics containing living or dead organisms or products or such organisms, excepts in a manner which will prevent indiscriminate use of such biologics;
 - (f) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;
 - (g) willful failure to report any dangerous, infectious, or contagious disease, as required by law;

- (h) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;
 - (i) violating Chapter 37, Utah Controlled Substances Act;
 - (j) delegating tasks to unlicensed assistive personnel in violation of standards of the profession and in violation of Subsection (2); and
 - (k) making any unsubstantiated claim of superiority in training or skill as a veterinarian in the performance of professional services.
- (2) (a) "Unprofessional conduct" does not include the following:
- (i) delegating to a veterinary technologist, while under the indirect supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technologist by the veterinarian;
 - (ii) delegating to a veterinary technician, while under the direct supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technician by the veterinarian; and
 - (iii) delegating to a veterinary assistant, under the immediate supervision of a licensed veterinarian, tasks that are consistent with the standards and ethics of the profession.
- (b) The delegation of tasks permitted under Subsection (2)(a) does not include:
- (i) diagnosing;
 - (ii) prognosing;
 - (iii) surgery; or
 - (iv) prescribing drugs, medicines, or appliances.

58-28-503. Penalty for unlawful or unprofessional conduct.

- (1) Any person who violates the unlawful conduct provisions of Section 58-28-501 is guilty of a third degree felony.
- (2) After proceeding pursuant to Title 63, Chapter 46b, Administrative Procedures Act, and Chapter 1, Division of Occupational and Professional Licensing Act, the division may impose administrative penalties of up to \$10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.
- (3) Assessment of a penalty under this section does not affect any other action the division is authorized to take regarding a license issued under this chapter.

58-28-601. Animal abandonment.

- (1) Any animal which suffers abandonment for a period of five days may be sold or placed in the custody of the nearest humane society or county dog pound if the animal is not picked up within seven days after mailing a notification, by certified mail, to the last known address of the person placing the animal in the veterinarian's custody. If no humane society or dog pound is located in the county, the animal may be disposed of in the humane manner.
- (2) A veterinarian who complies with this section is relieved from liability for the disposal or sale of abandoned animals.

58-28-602. Cruelty to animals - Immunity for reporting.

A licensed veterinarian who in good faith and in the normal course of business, reports a suspected case of animal cruelty to law enforcement or the proper authorities is immune from liability in any civil or criminal action brought against the veterinarian for reporting the suspected cruelty.

58-28-603. Medical records.

Medical records maintained by a person licensed under this chapter:

- (1) shall meet the standards and ethics of the profession;
- (2) shall be maintained in accordance with administrative rules adopted by the division in consultation with the board; and

- (3) may be maintained in electronic format.

58-28-604. Veterinarian-client-patient relationship.

- (1) A licensee under this chapter may only practice under a veterinarian-client-patient relationship as defined in Section 58-28-102.
- (2) A veterinarian-client-patient relationship may not be established solely by telephone or other electronic means.

58-28-605. Veterinarian-client-patient confidentiality.

- (1) A licensee under this chapter may not disclose information about the licensee's care of an animal to anyone other than the client, as defined in Section 58-28-102, unless:
 - (a) the client consents to the disclosure in writing;
 - (b) disclosure to public health officials, animal health or welfare officials, agricultural authorities, or federal, state, or local officials is required, or necessary to protect the animal or to protect public health;
 - (c) disclosure is required by court order or subpoena; or
 - (d) the client has placed the veterinarian's care or treatment of the animal or the nature or extent of injuries to the animal at issue in a civil or criminal proceeding.
- (2) A licensee who releases medical records under the provisions of this section is not liable to the client or any other person for the release of the records.

VETERINARY PRACTICE ACT

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